

Steven W. Ritcheson, Esq. (SBN 174062)
WHITE FIELD, INC.
9800 D Topanga Canyon Blvd. #347
Chatsworth, California 91311
Telephone: (818) 882-1030
Facsimile: (818) 337-0383
swritcheson@whitefieldinc.com

Hao Ni (*Pro Hac Vice Application To Be Filed*)
NI LAW FIRM, PLLC
3102 Maple Avenue
Suite 400
Dallas, TX 75201
214-800-2208
Fax: 214-800-2209
Email: hni@nilawfirm.com

Attorneys for Plaintiff,
CROWD SOURCED TRAFFIC, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CROWD SOURCED TRAFFIC, LLC

Plaintiff,

v.

WAZE, INC.

Defendant.

Case No. 3:12-cv-01970-JSC

**PLAINTIFF'S MOTION FOR LEAVE TO FILE ITS
FIRST AMENDED COMPLAINT; ~~PROPOSED~~
ORDER**

Jury Trial Demanded

Date: July 5, 2012

Time: 9:00 a.m.

Mag. Judge: Jacqueline Scott Corley

PLAINTIFF'S MOTION FOR LEAVE TO FILE ITS FIRST AMENDED COMPLAINT

Plaintiff Crowd Sourced Traffic, LLC ("Crowd Sourced Traffic") by and through its undersigned counsel, hereby moves the Court for leave to file its First Amended Complaint (attached hereto as Exhibit A pursuant to Local Rule 10-1). The purpose of the First Amended Complaint is to correct the address listed for the Plaintiff, and to adequately state basis for jurisdiction in the Northern

1 District of California. Counsel for Plaintiff has met and conferred with counsel for Defendant
2 regarding the substance of this motion and counsel for Defendant refused to stipulate to the relief
3 requested. The proposed Amended Complaint does not prejudice the Defendant, nor amend any of the
4 legal claims against the Defendant and should be granted by the Court.

5 Under Federal Rule of Civil Procedure 15(a)(2), leave to amend “shall be freely given when
6 justice so requires.” *Forman v. Davis*, 371 U.S. 178, 182 (1962) (quoting F.R.C.P. 15(a)). Leave to
7 amend is “to be applied with extreme liberality.” *Owens v. Kaisar Found. Health Plan, Inc.*, 244 F.3d
8 708, 712 (9th Cir. 2011) (citation omitted). Rule 15(a) thus requires a strong showing by the opposing
9 party of prejudice, delay, futility, or bad faith before leave to amend may be denied. *Eminence Capital,*
10 *LLC v. Aspeon, Inc.*, 316 F.3d 1048 1051-52 (9th Cir. 2003); *Forman*, 371 U.S. at 182.

11 The four factors commonly used to determine the propriety of a motion for leave to amend are
12 present here and Plaintiff’s motion for leave should be granted. The amended complaint will not
13 prejudice the Defendant as it does not change any of the legal allegations against the Defendant. The
14 amended complaint only corrects the address given for the Plaintiff and clarifies California jurisdiction.
15 The amended complaint will not cause delay, as the already set Scheduling Conference will still guide
16 the timing of the present case. Furthermore, the change is not futile, nor in bad faith, as it simply
17 corrects a factual assertion in the complaint and calcifies jurisdiction. The Defendant does not dispute
18 the factual assertion nor that California has jurisdiction.

19 Accordingly, the Court should grant Plaintiff Crowd Source Traffic, LLC leave to file its First
20 Amended Complaint.
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3 Dated: May 29, 2012

4 WHITE FIELD, INC.

5 By: /s/ Steven W. Ritcheson
6 Steven W. Ritcheson
7 Attorneys for Plaintiff CROWD
8 SOURCED TRAFFIC, LLC

9 IT IS SO ORDERED.

10 Dated: June 12, 2012

11 Jacqueline S. Corley
12 Jacqueline Scott Corley
13 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2012, I electronically served via ECF foregoing upon All
Counsel of Record.

Dated: May 29, 2012

RESPECTFULLY SUBMITTED

_____/s/ Steven W. Ritcheson

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EXHIBIT A

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EXHIBIT B